

# Public Access to Court Transcripts

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## Purpose

The Judicial Conference has adopted a policy to provide public access to official transcripts of court proceedings through ECF. The following information is an overview of the electronic filing and redaction processes.

The District Court implemented these policies as of May 15, 2008.  
The Bankruptcy Court will implement these policies Fall, 2008.

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## Definitions

<b>Sealed</b>	Not viewable by any party except for Court users.
<b>Restricted</b>	Viewable only by Court users and those parties identified as a purchasing party of the transcript.
<b>Redacted Transcript</b>	The Federal Rules require that personal information be redacted from documents filed with the Court. Therefore upon notice from the attorneys, the court reporter/transcriber will file a new transcript with those items redacted or removed.

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## Public Access Overview

During the first 90-days after filing, access to the transcript is only available to court users and those parties having purchased a copy of the transcript from the court reporter/transcriber. Any other access to the document by non-court users is prevented for the initial 90 days.

Exception: The only exception during the initial 90-days is the transcript may be viewed (but not printed) by anyone at any public terminal in the courthouse.

For the purchasing party, they will have a copy of the transcript as well as the ability to gain access to the document via PACER

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## **Transcript Redaction Process**

The Federal Rules require that personal information be redacted from documents filed with the Court. Therefore, upon filing of the original transcript, the attorneys must review the following portions of the transcript:

- opening and closing statements;
- statement of the party;
- testimony of witnesses, and
- any other portion of the transcript as ordered by the Court.

If an attorney requests, redactions may be made to the transcript during the initial 90-days before it becomes available to the public.

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## **What are Personal Identifiers?**

The following items are personal identifiers that are protected by the Federal Rules:

- Social Security numbers (or taxpayer identification numbers), redact to the last four digits;
- financial account numbers, redact to the last four digits;
- dates of birth;
- individuals known to be minor children, redact to the initials; and
- any home addresses stated in court, redact to the city and state

While the court reporter/transcriber is authorized to redact the personal identifiers noted above. A party must receive a ruling of the court before other information in the transcript may be redacted.

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## **Whose Responsibility to Identify Redaction Needs?**

- The attorneys are responsible for identifying the information to be redacted even if the requestor is a judge or a member of the public/media.
- Court Reporters/Transcribers or Court Clerks are not responsible for the identification of the need to redact.

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## Timeline

1. A party orders a transcript. The court reporter/transcriber creates the transcript, and provides a copy to the purchasing party.
2. **District:** The court reporter/transcriber e-mails the certified transcript to the court and identifies those purchasing parties allowed electronic access.  
**Bankruptcy :** The court transcriber e-files the certified transcript.
3. **District:** Court staff e-files the transcript, sends the Official Notice of Transcript Filing, and grants electronic access to any user identified as a purchasing party.  
**Bankruptcy:** The Official Notice of Transcript Filing is automatically sent with the entry of the transcript. The Court allows electronic access to any user identified as a purchasing party.
4. Attorneys review transcript for personal identifiers. A "Notice of Intent to Request Redaction" should be electronically filed within 7 business days thereafter.
5. A "Request for Redaction" is electronically filed with the court within 21 days following the filing of the original transcript. A copy of the Request shall be served on the court reporter/transcriber by the requesting party.  
Note: The "Request" is a public document. Attorneys should not identify the actual information requiring redaction in the document. Instead list how the redaction should read. Example: "Page 3, Line 14, redact SS# to xxx-xx-1234" or "Page 15, Line 23, redact minor name to initials Axxxx Bxxxx Cxxxx".
6. Within 30 days of the filing of the original transcript, the court reporter or transcriber completes a redacted transcript and e-files the redacted transcript (as described above). Copies of the redacted transcript are not supplied to the parties as with the original.
7. **District/Bankruptcy:** The Court grants electronic access to any user who has permission to view the original transcript.
8. After the 90-day restriction period, the redacted transcript will be available to the public. The original unredacted version will remain restricted except to those who have purchased it. If no redacted transcript has been filed, the original transcript will be available to the public.

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## PACER Fees for Transcripts

- PACER viewing charges apply. There is no "Free Look" of court transcripts.
- PACER charges apply to the full transcript. There is not a 30-page cap as with other ECF documents.
- If an attorney views the transcript on PACER for purposes of considering redaction, PACER fees are charged.